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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/016,499   | 12/12/2001  | David Akopian        | 944-001.056         | 4552             |
| 4955   | 7590        | 07/21/2005           | EXAMINER            |                  |
| WARE FRESSOLA VAN DER SLUYS &<br>ADOLPHSON, LLP<br>BRADFORD GREEN BUILDING 5<br>755 MAIN STREET, P O BOX 224<br>MONROE, CT 06468 |             |                      | PERILLA, JASON M    |                  |
|  |             | ART UNIT             |                     | PAPER NUMBER     |
|  |             |                      |                     | 2638             |
| DATE MAILED: 07/21/2005  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/016,499             | AKOPIAN, DAVID      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jason M. Perilla       | 2638                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 May 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 12 December 2001 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

1. Claims 1-12 are pending in the instant application.

### *Response to Amendment/Arguments*

2. The claim objections set forth in the office action dated March 16, 2005 have been withdrawn in view of the amendments to the claims filed May 2, 2005.
3. In view of a newly cited prior art reference Gronemeyer (US 6577271) the indication of allowable subject matter made in the first office action has been reconsidered. New art rejections are set forth below.

### *Claim Objections*

4. Claim 12 is objected to because of the following informalities:  
Regarding claim 12, in line 3, "the apparatus" is lacking antecedent basis.  
Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 2, 3, 6, 8, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Gronemeyer (US 6577271).

Regarding claim 1, Gronemeyer discloses a method for determining information about a carrier frequency of a signal transmitted by a possibly moving transmitter, the signal having a code component and a carrier component at the carrier frequency (col. 1 & 2; "BACKGROUND"), the method comprising: a) a step of responding to successive approximately carrier-demodulated received signal fragments (col. 5, lines 12-15), and providing a set (fig. 11) of correlation results indicating information about the correlation of the successive approximately carrier-demodulated received signal fragments with phase-shifted replicas of the code component (fig. 11, refs. CP1-CPn) and any remaining carrier component (fig. 11, refs. DS1-DSm; col. 5, lines 35-50), wherein the successive approximately carrier-demodulated received signal fragments are formed using different possible offsets or doppler offsets (col. 1, lines 63-68) from a nominal carrier frequency transmitted (col. 1, lines 20-25), and further wherein each element of the set is provided as a phasor having a magnitude and a phase (col. 4, lines 63-66; col. 6, lines 1-8); and b) a step of responding to the set of phasors, selecting the phasor having a magnitude distinguishing it from all the other elements of the set (col. 8, lines 15-24), and determining the phase of the selected phasor. Because the array of correlation hypotheses (fig. 11) is formed of real and imaginary components, or equivalently, magnitude and phase components (col. 8, lines 10-15), the phase of the phasor having a distinguishing magnitude is determined.

Regarding claim 2, Gronemeyer discloses the limitations of claim 1 as applied above. Further, Gronemeyer that the set of correlation results is a matrix of correlation results (fig. 11), and further wherein the matrix of correlation results is spanned by an

Art Unit: 2638

index (fig. 11, ref. DS1-DSm) indicating an offset from a nominal carrier frequency and also by an index (fig. 11, ref. CP1-CPn) indicating a replica code phase, and still further wherein the selected phasor is the phasor having the maximum magnitude of all the elements of the set (col. 8, lines 15-24).

Regarding claim 3, Gronemeyer discloses the limitations of claim 2 as applied above. Further Gronemeyer discloses by the implementation according to figure 6 (col. 10, line 10 et seq.) that the step of providing the matrix of correlation results includes a step of performing a coherent integration (40) of each of a series of received signal fragments, and a step of performing a non-coherent integration (110) in which phasor results of the coherent integrations are combined without regard to phase (col. 11, lines 15-25). That is, only the magnitude and not the phase is combined in step 132 (fig. 7).

Regarding claims 6 and 11, Gronemeyer discloses the limitations of the claims as applied to claim 1 above.

Regarding claim 8, Gronemeyer discloses the limitations of the claim as applied to claim 3 above.

Regarding claim 12, Gronemeyer discloses the limitations of claim 11 as applied above. Further, Gronemeyer discloses a computing resource (fig. 6, ref. 112) external to the ranging receiver, and wherein the apparatus communicates information to the computing resource via a wireless or cellular communication (col. 10, lines 29) system and the computing resource provides at least some of the computation needed either to provide the set of correlation results or to determine the selected phasor (col. 10, lines 27-40).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer.

Regarding claim 4, Gronemeyer discloses the limitations of claim 3 as applied above. Gronemeyer does not explicitly disclose the multiplication of an immediately preceding correlation result of a signal fragment with its complex conjugate to perform non-coherent integration. However, Gronemeyer discloses finding the magnitude by taking the sum of the squares of the real and imaginary components of the correlation result of a signal fragment to perform non-coherent integration (col. 11, lines 15-25). As understood by one having skill in the art, the magnitude of a phasor can be determined by summing the squares of the real and imaginary components of the phasor, or equivalently, by multiplying the phasor by its complex conjugate. Therefore, the method of finding the magnitude of the correlation result phasor of Gronemeyer (sum of squares) is functionally and mathematically equivalent to the claimed method (multiplication by complex conjugate) of the instant application, and would have been obvious to one having skill in the art.

Regarding claim 9, Gronemeyer discloses the limitations of the claim as applied to claim 4 above.

Art Unit: 2638

9. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer in view of Nagatani et al (US 2001/0005402; hereafter "Nagatani").

Regarding claim 5, Gronemeyer discloses the limitations of claim 2 as applied above. Gronemeyer does not disclose that in determining the phase of the phasor having the maximum magnitude of all the elements of the matrix, only at most two phasor values are held in a memory device at any instant of time, and of the two phasor values, only the phasor value having the larger magnitude is saved in the memory device before calculating a next phasor value. However, Nagatani discloses a correlator which stores a maximum correlation and updates it by comparing a past maximum correlation value by a current correlation value. In the case that the current correlation value is greater than the past maximum correlation value, the past maximum correlation value is replaced by the current correlation value (i.e. the new max.) (para. 0105). Therefore, it would have been obvious to one having ordinary skill in the art at the time which the invention was made to utilize a memory device and method which only stores the maximum correlation as taught by Nagatani in the method of Gronemeyer because it could be advantageously be utilized to save memory.

Regarding claim 10, Gronemeyer discloses the limitations of the claim as applied to claim 5 above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Perilla whose telephone number is (571) 272-3055. The examiner can normally be reached on M-F 8-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vanderpuye Kenneth can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason M. Perilla  
July 11, 2005

jmp



CHIEH M. FAN  
PRIMARY EXAMINER